

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| _____ |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| v. |) | CRIMINAL ACTION |
| |) | NO. 04-1651-CBS |
| VICTOR SOSA, a/k/a Victorino, |) | |
| and ALEX PEREZ, |) | |
| a/k/a Ariel Lugo-Torres, |) | |
| Defendants, |) | |
| _____ |) | |

MEMORANDUM OF PROBABLE CAUSE AND
ORDER ON THE GOVERNMENT'S MOTION FOR DETENTION
February 23, 2004

SWARTWOOD, M.J.

I. Nature of the Offense and the Government's Motion

On February 14, 2004 a Criminal Complaint was filed charging Victor Sosa, a/k/a Victorino ("Mr. Sosa"), Alex Perez, a/k/a Ariel Lugo-Torres ("Mr. Perez") and another with conspiracy to distribute and possession with intent to distribute five kilograms of cocaine, in violation of 21 U.S.C. §§846 and 841(a)(1).

On February 17, 2004, Messrs. Sosa and Perez appeared for their initial appearance and at that time, were advised of their right to a preliminary examination in accordance with Fed. R. Crim. P. 5.1 and the Government moved for a detention hearing in accordance with 18 U.S.C. §§3142(f)(1)(C) (Defendants are charged

with an offense for which a maximum term of imprisonment of ten years or more is prescribed in the "Control Substances Act") (21 U.S.C. § 801 *et seq.*)), (f)(2)(A)(risk of flight), and with respect to Mr. Sosa, (f)(1)(D)(Mr. Sosa is charged with a felony and has been convicted of two or more offenses described in paragraphs (A) through (C) of Section 3142(f)(1)(A), or two or more state or local offenses that would have been offenses described in paragraphs (A) through (C) of such section if federal jurisdiction had existed).

On February 23, 2004, a consolidated probable cause/detention hearing was held and at that hearing, both Messrs. Sosa and Perez waived their right to a probable cause hearing, assented to an Order of Detention, but reserved their right to a detention hearing in the future.

II. Order of Detention Pending Trial

In accordance with the foregoing memorandum,
IT IS ORDERED:

1. That Messrs. Sosa and Perez be committed to the custody of the Attorney General or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That Messrs. Sosa and Perez be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Messrs. Sosa and Perez are detained and confined shall deliver Messrs. Sosa and Perez to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145(b).

/s/ Charles B. Swartwood
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE